

AMENDED IN ASSEMBLY JULY 12, 2005

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 117

Introduced by Senator Murray
(Coauthors: Senators Dutton and Romero)
(Coauthor: Assembly Member Dymally)

January 26, 2005

An act to amend Section 3010 of the Elections Code, relating to absent voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 117, as amended, Murray. Elections: absentee ballots.

Existing law requires an elections official to provide a qualified applicant for absent voting with the ballot for the precinct in which the voter resides and all supplies necessary for the use and return of the ballot.

This bill would require an elections official to provide a qualified applicant for absent voting with a business reply envelope in which to return a federal election ballot. By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

This bill would establish the *Federal Absent Voting Postage Fund*, and would require that ~~all~~ *any moneys authorized to be used for the purposes of this provision by the federal Help America Vote Act of 2002 be deposited into that account* to provide business reply envelopes in which to return completed absent voter ballots in federal

~~elections be deposited into that fund.~~ *The bill also would establish the State Absent Voting Postage Fund, and would require that any General Fund moneys appropriated by the Legislature for the purposes of this provision be deposited into that account to provide business reply envelopes in which to return completed absent voter ballots in state elections. It would require the Secretary of State, by regulation, to establish a formula for the allocation of these moneys in a combined federal and state election.*

This bill would require the Secretary of State to amend the state plan submitted to the federal Election Assistance Commission pursuant to the federal Help America Vote Act of 2002 in order to enable the use of federal funds available under that act for business reply envelopes in which to return completed absent voter ballots in elections for federal offices. The bill would require the plan to be amended to end this program when the federal funds are depleted.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state and not covered by the appropriation contained in this bill, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3010 of the Elections Code is amended
- 2 to read:
- 3 3010. (a) The elections official shall deliver to each qualified
- 4 applicant:
- 5 (1) The ballot for the precinct in which he or she resides. In
- 6 primary elections this shall also be accompanied by the ballot for
- 7 the central committee of the party with which the voter is
- 8 affiliated, if any.
- 9 (2) All supplies necessary for the use and return of the ballot,
- 10 including a business reply envelope in which to return the
- 11 completed absent voter ballot.
- 12 ~~(b) The~~

1 **(b) (1)** *The Federal Absent Voting Postage Fund is hereby*
2 *established in the State Treasury. Any moneys authorized to be*
3 *used for the purposes of this paragraph by the federal Help*
4 *America Vote Act of 2002 (42 U.S.C. 15301 et seq.) shall be*
5 *deposited into the fund to provide business reply envelopes in*
6 *which to return completed absent voter ballots in elections for*
7 *federal offices*~~*shall be deposited into this fund.*~~

8 **(2)** *The State Absent Voting Postage Fund is hereby*
9 *established in the State Treasury. Any moneys appropriated by*
10 *the Legislature from the General Fund for the purposes of this*
11 *paragraph shall be deposited into the fund to provide business*
12 *reply envelopes in which to return completed absent voter ballots*
13 *in elections for state offices.*

14 **(3)** *The Secretary of State shall establish, by regulation, a*
15 *formula for the allocation of moneys available under paragraphs*
16 *(1) and (2) in a combined federal and state election.*

17 **(c)** No officer of this state may make any charge for services
18 rendered to any voter under this chapter.

19 SEC. 2. The Secretary of State shall amend the state plan
20 submitted to the federal Election Assistance Commission
21 pursuant to a provision of the federal Help America Vote Act of
22 2002 (42 U.S.C. Section 15403) in order to enable the use of
23 federal funds available under that act for business reply
24 envelopes in which to return completed absent voter ballots in
25 elections for federal offices. The state plan shall be amended to
26 end this program when the funds available to the state for this
27 purpose pursuant to the Help America Vote Act are depleted.

28 SEC. 3. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.